



Paper No. 4

International Business Machines Corporation
Intellectual Property Law
Personal and Printing Systems Group
Dept. 9CCA/Bldg. 002-2, P.O. Box 12195
Research Triangle Park NC 27709

COPY MAILED**JUL 16 2002****OFFICE OF PETITIONS**

In re Application of :
Hansen et al. :
Application No. 10/055,244 : DECISION GRANTING PETITION
Filed: October 26, 2001 :
Attorney Docket No. RPS9 2001 0094 :

This is a decision on the petition filed May 20, 2002 (certificate of mailing May 7, 2002), requesting that Page 1 of the specification be accorded a filing date of October 26, 2001, as part of the original disclosure.

On October 26, 2001, applicants filed the above-identified application. On March 8, 2002, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (Notice), stating that the application had been accorded a filing date of October 26, 2001, and advising applicants that Page 1 of the specification appeared to have been omitted.

In response, on May 20, 2002 (certificate of mailing May 7, 2002), applicants filed the present petition, the petition fee, and a copy of Page 1 of the specification. Additionally, applicants submitted a copy of applicants' postcard receipt acknowledging receipt of 13 pages of specification.

In the present petition, applicants request that the application, including Page 1 of the specification, be accorded a filing date of October 26, 2001, and the petition fee be refunded.

Upon review of the record, Page 1 of the specification, deposited on October 26, 2001, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on October 26, 2001, included Page 1 of specification, which was subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including Page 1 of the specification, was complete on filing and will be granted a filing date of October 26, 2001.

Accordingly, the petition is granted.

The Notice of March 8, 2002, was sent in error and is hereby vacated. Accordingly, the \$130.00 petition fee is unnecessary and will be credited to Deposit Account No. 09-1990.

The application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of October 26, 2001, using Pages 2-13 of the specification submitted on October 26, 2001, and Page 1, submitted on May 20, 2002.

Any inquiries related to this decision should be directed to Petitions Attorney Christina Tartera Donnell at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Beverly M. Flanagan

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy